

Serial No.: 10/601,379  
Examiner Rudy  
Art Group: 3627

**PROPOSED REMARKS**

**Claim Rejections Under 35 U.S.C. §103(a)**

The Examiner has rejected claims 1-9 and 11-23 under 35 U.S.C. § 103(a) as being unpatentable over Brown (US Pat. 5,293,552) in view of Hogge (US Pat. 5,983,194). It is the Examiner's position that Brown discloses every aspect of the claimed invention except for determining a time to receive supplies from a supplier. The Examiner relies on Hogge to teach coordinating production in a plurality of factories including determining the time needed to receive supplies from a supplier. The Examiner believes it would have been obvious to one of ordinary skill in the art to add Hogge's teachings to Brown.

Applicant respectfully traverses the rejections. Applicant's independent claims 1, 9, and 17 indicate clearly that in the present invention production delivery times communicated to suppliers in supply orders are determined by the manufacturer's production schedule, that supplies are produced according to production delivery times, and that supplies are received by the manufacturer according to production delivery times. Production delivery times according to the present invention reduce inventory at the manufacturer's and supplier's facilities, and therefore, reduce manufacturing costs. Applicant respectfully submits that production delivery times are not taught or suggested by Brown, and therefore, Brown cannot be used to reject the claims of the application.

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Brown teaches a system and method for synchronizing producer and supplier schedules using "restrictive links" that are established between the schedules. Schedules of network members (i.e., a fabricator and many suppliers) are analyzed and modified dynamically to complete a particular project. Changes in any one party's schedule are automatically integrated within the schedule of each respective network member as appropriate. The goal of Brown is to modify the schedules of all parties involved so that a fabricator's schedule is synchronized with the schedules of suppliers.

Brown teaches "relevant time constraints" that relate to obtaining and modifying fabricator and supplier schedules based on restrictive links between the schedules (Fig. 4), synchronizing portions of a product fabricator's schedules with schedules of suppliers (Col. 2, ll. 26-34), and automatic synchronization of a fabricator's schedule for a particular product with schedules of many suppliers as changes occur to either the fabricator's or supplier's schedule (Col. 5, ll. 3-7). "Relevant time constraints" as taught by Brown relate to modifications of each party's respective schedule in order to meet the goal of Brown which is to synchronize a fabricator's schedule with its supplier schedules. In Brown, supplier schedules drive the process and result in one or more modifications to the fabricator's schedule. This approach is in direct contrast to the present invention in which the manufacturer's production schedule is used to drive the process. Production delivery times are determined according to the manufacturer's production schedule and are used to start production at a supplier as well as deliver supplies to a manufacturer.

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The goal in Brown is to synchronize a fabricator's schedule with its suppliers' schedules and therefore, each network member in Brown maintains its own internal schedule. (Col. 3, ll. 53-59). Brown states that "the present invention leaves the independence and management of individual business entities intact ...." (Col. 3, ll. 43-45). In Brown, each network member sets its own schedule, determines its own start and stop times, and determines its time to perform. When one party is unable to meet its original schedule obligations, "schedule changes made by a network member ripple down to all network members and are automatically integrated within the schedule of each respective network member as appropriate." (Col. 5, ll. 15-21). Modifications are made to both the fabricator's schedule and the suppliers' schedules. Brown emphasizes changes to all schedules, including changes to the fabricator's schedule, and therefore, Brown teaches away from one party determining schedule or performance requirements of another party. Brown teaches away from the present invention which is directed to use of a manufacturer's production schedule to determine delivery times for supplies.

Applicant respectfully submits the "relevant time constraints" of Brown relate to each network member's internal scheduling requirements and therefore, are not related in any way to the "production delivery time" of Applicant's invention. As indicated in Applicant's claims, the "production delivery time" that is transmitted in each supply order is determined by the manufacturer's production schedule. The "production delivery time," as determined by the manufacturer, drives the process of producing supplies and

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receiving supplies for the manufacturer's production. Contrary to the goal of Brown, the goal of Applicant's invention is to synchronize supplier production schedules with the manufacturer's production schedule so that supply deliveries are made according to the time determined by the manufacturer, not the supplier. Furthermore, the manufacturer's production schedule is not modified in any way based on the supplier's internal scheduling needs. Use of production delivery times as determined by the manufacturer allows the manufacturer to reduce the level of inventory that it is required to maintain and therefore, results in lower manufacturing costs. Applicant respectfully submits that Brown does not teach production delivery times and therefore, cannot support the present rejections.

The Examiner admits that Brown does not explicitly include the step of determining the time needed to receive supplies from a supplier and relies on the Hogge reference to disclose the step of determining the time needed to receive supplies from a supplier. The Examiner identifies Figs. 1-3 and related text to teach "coordinating production in a plurality of factories including determining the time needed to receive supplies from a supplier." Applicant respectfully submits that the cited passages refer to an internal scheduling process in which a supplier determines how it will meet its commitments. Hogge teaches supply demands that include a "due date" (Col. 3, ll. 28-35) which is used in conjunction with "lead times" to determine an output plan (Col. 3, ll. 45-55). The output plan is modified as feedback from supplier factories is received. (Col. 4, ll. 32-36). It does not refer to or relate in any way to the step of determining a time needed to receive

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supplies from a supplier according to a manufacturer's production schedule. What it teaches is the time taken to produce supplies. In any case, it is consistent with the teachings of Brown in which suppliers determine their own scheduling requirements and therefore, when combined with Brown, does not change the operation of Brown in any way. Applicant respectfully submits therefore, that the Hogge reference does not teach determining the time needed to receive supplies from a supplier, does not correct the deficiencies of Brown, and when combined with Brown cannot support the present rejections.

Applicant respectfully submits that in addition to failing to teach or suggest a "production delivery time," the Brown reference alone or in combination with the Hogge reference fails to teach other aspects of Applicant's invention. With respect to claims 4, 11, and 17, Brown does not teach including a production line location in a supply order to a supplier. As indicated on page 9, lines 3-5 of Applicant's specification, a production line location indicates where supplies are needed on the production line for the production sequence. In Applicant's invention, the production line location information is transmitted as part of the supply order so that the supplier can label the supplies with the production line location. Once the supplies are received by the manufacturer, the production line location information facilitates the transfer of the supplies to the proper location on the production line. Applicant respectfully submits that including production line information in a supply order to a supplier is unique to the present invention.

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With respect to claim 12, Brown does not teach use of a manufacturer's production sequence. The production sequence sets forth what supplies are required at a particular location and at a particular time in order to continue production at the manufacturer's facility. Applicant respectfully submits that including a production sequence in a supply order to a supplier is unique to the present invention.

### **CONCLUSION**

Independent claims 1, 9, and 17 indicate that production delivery times according to the present invention are based on a manufacturer's production schedule, that supplies are produced according to production delivery times, and that supplies are received by the manufacturer according to production delivery times. Applicant respectfully submits that production delivery times as well as other aspects of the present invention are not disclosed in the Brown or Hogge references. In view of the foregoing remarks, Applicant respectfully submits that the present application is properly in condition for allowance.